

1 Michael L. Harrison (Cal. St. Bar #55150)
 2 HARRISON & KAYLOR
 3 16400 Lark Avenue, Suite 250
 4 Los Gatos, CA 95032
 5 Tel.: (408) 358-7700
 6 Fax: (408) 996-3691
 7 Email: mlharr@ix.netcom.com

8
 9 Attorney for Plaintiff
 10 Matthew K. Potts
 11
 12
 13

14 **UNITED STATES DISTRICT COURT**
 15 **FOR THE**
 16 **NORTHERN DISTRICT OF CALIFORNIA**

20
 21 MATTHEW K. POTTS, an individual,
 22 Plaintiff,
 23 v.
 24
 25 VF OUTDOOR, INC., a Delaware
 26 Corporation, and DOES I through X,
 27 Defendant(s).
 28
 29

CASE NO. **C07 05213 BZ**

**ADMINISTRATIVE MOTION
 TO EXTEND DEADLINES SET
 FORTH IN THE “ORDER
 SETTING INITIAL CASE
 MANAGEMENT CONFERENCE
 AND ADR DEADLINES,” and to
 EXTEND DEADLINE TO
 ACCEPT OR REJECT
 MAGISTRATE JUDGE**

30 Plaintiff herein, Matthew K. Potts, by and through his counsel, hereby
 31 moves this court for an order specifying that the dates relating to the initial case
 32 management conference and ADR deadlines set by the court’s “ORDER SETTING
 33 INITIAL CASE MANAGEMENT CONFERENCE AND ADR DEADLINES,”
 34 and related dates, be reset as requested below, for the reasons and facts set forth
 35 herein.
 36

**ADMINISTRATIVE MOT.
 re RESET CMC et al. DATES**

1 1. Plaintiff's Complaint was filed on October 11, 2007. At that time, the Court issued
2 its "ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE AND ADR
3 DEADLINES" (the "Order") setting dates for: (a) the filing of Joint ADR Certification
4 with Stipulation to ADR Process or Notice of Need for ADR Phone conference (Feb. 11,
5 2008), (b) the filing of Rule 26(f) Report, and completion of initial disclosures or
6 statement of objection in Rule 26(f) Report and filing of Case Management Statement
7 (Feb. 25, 2008); and (c) Initial Case Management Conference (Mar. 3, 2008).
8 Additionally, the parties were given until the date of the filing of the Initial Case
9 Management Conference Statement to accept or decline the appointment of the magistrate
10 judge initially assigned to the case.

11
12 2. Plaintiff has not yet attempted to serve the Complaint and Summons on Plaintiff VF
13 Outdoors for the reason that plaintiff and defendant have been engaged in discussions of a
14 proposal that may lead to a resolution of the dispute underlying this action, without
15 necessity for further proceedings in court. In the interest of furthering these discussions
16 without adding the complication and acrimony of litigation, and to avoid incurring further
17 costs and attorney fees, plaintiff has refrained from advancing the litigation forward until
18 these discussions have concluded in one way or another. See Declaration of Michael L.
19 Harrison submitted herewith.

20
21 3. Plaintiff did not attempt to obtain a stipulation regarding the present Administrative
22 Motion because plaintiff has not yet served defendant and therefore defendant has not yet
23 appeared in this action.

24
25 WHEREFORE, Plaintiff requests that this Court order:

26 1. That the Initial Case Management Conference of March 3, 2008, and all deadlines set
27 forth therein in the INITIAL CASE MANAGEMENT SETTING be continued by the

ADMINISTRATIVE MOT.
re RESET CMC et al. DATES

1 Court for a minimum of 90 days from the presently scheduled dates, and;
2 2. That the deadline to either accept or decline the appointment of a magistrate judge for
3 all purposes be extended for a minimum of 90 days from the present deadline.

4 Respectfully submitted,

5

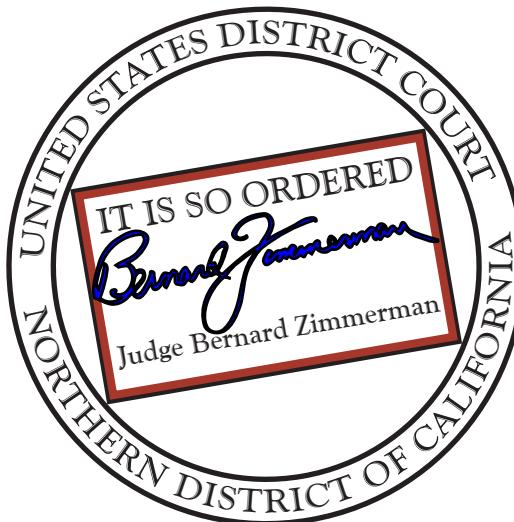
6 /s/

7 Michael L. Harrison
8 HARRISON & KAYLOR
9 Attorney for Plaintiff Matthew K. Pott

February 25, 2008

GRANTED. Case Management Conference is continued to
June 23, 2008 at 4:00 p.m.

DATED: 2/26/2008



ADMINISTRATIVE MOT.
re RESET CMC et al. DATES

- Page 3 - CASE NO. C07 05213 BZ